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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,572	10/15/2001	Chris Rostron	2311-002	2032

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EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,572

Applicant(s)

ROSTRON ET AL.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 4-12 and 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed. *on the merits.*
- 6) ☒ Claim(s) 1-3, 13-15 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-25 have been examined.

Objections

2. Claims 4-12, 16-20, 21, 23 and 24 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
3. Claims 22 to 24 are switching status claims. Claim 22 is directed to an actuarial data processing system for carrying out an actuarial method comprising a memory storing processor readable code; and a processor for reading and implementing the code in the memory, wherein the processor readable code comprises code for controlling the processor to implement the method of any one of claims 13 to 20. Claim 22 is a system claim and cannot be dependable on any method claims 13-20.
4. Claim 23 is directed to a carrier medium carrying computer readable code for controlling a computer to be configured as the processing system of claims 1 to 12. Claim 23 is a carrier medium claim and cannot be dependable on any system claims 1-12.
5. Claim 24 is directed to a carrier medium carrying computer readable code for controlling a computer to implement the method of claims 13 to 20. Claim 24 is a carrier medium claim and cannot be dependable on any method claims 13-20.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.
7. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
8. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: According to descriptions on pages 4 and 5 of specification, Figure 4 shows an example table of additional factors for males ages 60 through 90 for scoring ten through 19, but the Figures show points of zero through nine.

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10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

13. The statutory status of the instant claims under Section 101 will be analyzed with guidance from MPEP Section 2106.

14. For a claimed invention to be statutory, it must produce a useful, concrete, and tangible result. Claim 13 is directed to assigning a statistic to a client based on the client's level of health, deriving data from standard actuarial table, and producing a value representative of the client life expectancy using the statistic and the derived data.

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Claim 13 does not produce a tangible and concrete result, because it's not certain what can be done with the result of life expectancy.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-3, 13-15 and 25 are rejected under 35 U.S.C. 102(b) as being unpatentable by Summerell et al. (U.S. Patent No. 5,937,387).

A. As per claim 1, Summerell et al. discloses an actuarial data processing system comprising data input means for inputting client information, output means for outputting information, storage means and processing means, wherein the processing means is adapted to use the client information and data stored in the storage means to produce a scoring statistic representative of the client's level of health, and to use the scoring statistic to produce and output a value representative of client life expectancy (Summerell et al.; col. 8, lines 8-21 and col. 9, lines 32-37).

B. As per claim 2, Summerell et al. discloses an actuarial data processing system as claimed in claim 1, wherein standard actuarial data is stored in the storage means (Summerell et al.; col. 8, lines 16-18).

C. As per claim 3, Summerell et al. discloses an actuarial data processing system as claimed in claim 1 or claim 2, wherein medical advancement data is additionally stored in the storage means (Summerell et al.; col. 10, lines 66-67 and Fig. 9).

D. As per claim 13, Summerell et al. discloses an actuarial method comprising

- i. assigning a statistic to a client based on the client's level of health (Summerell et al.; col. 4, line 65 to col. 5, line 9),
- ii. deriving data from a standard actuarial table (Summerell et al.; col. 10, lines 66-67, Fig.9, col. 5, lines 32-37 and Fig. 10 and 14), and
- iii. producing a value representative of the client life expectancy using the statistic and the derived data (Summerell et al.; col. 4, lines 42 to 60 and Fig. 18-21).

E. As per claim 14, Summerell et al. discloses an actuarial method comprising

- iv. assigning a statistic to a client based on the client's level of health (Summerell et al.; col. 4, line 65 to col. 5, line 9),
- v. deriving data from a standard actuarial table (Summerell et al.; col. 10, lines 66-67, Fig.9, col. 5, lines 32-37 and Fig. 10 and 14), and
- vi. producing a value representative of the client life expectancy using the statistic and the derived data (Summerell et al.; col. 4, lines 42 to 60 and Fig. 18-21), and
- vii. using the value produced to calculate a premium (Summerell et al.; col. 4, line 65 to col. 5, line 15).

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F. As per claim 15, Summerell et al. discloses an actuarial method as claimed in claim 13 or 14, further comprising making an adjustment to take account of medical advances and prudence (Summerell et al.; col. 11, lines 14-29).

G. As per claim 25, Summerell et al. discloses a computer system for processing actuarial data, comprising

- i. a data store storing data on a client's level of health, and standard actuarial table data (Summerell et al.; col. 4, line 65 to col.5, line 15); and
- ii. a processor programmed to assign a statistic based on the client's level of health stored in the data store (Summerell et al.; col. 4, line 65 to col.5, line 15), to derive data using the standard actuarial table data in the data store (Summerell et al.; col. 10, lines 66-67, Fig. 9, col.5, lines 32-37 and Fig. 10 and 14), and to produce a value representative of the client's life expectancy using the statistic and the derived data (Summerell et al.; col. 4, lines 42-60).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used art teach Financial planning system incorporating relationship and group management 5819263 A, System for managing a stable value protected investment plan 5926792 A, Dynamic policy illustration system 5956691 A.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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02/01/2006


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